

SIDLEY AUSTIN LLP

1501 K STREET, NW - WASHINGTON, D.C. 20005 - TEL. (202) 736-8000 - FAX (202) 736-8711

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Total [3] pages, including cover sheet

To: Commissioner for Patents
U.S. Patent and Trademark Office

Fax no.: (571) 273-8300

From: David L. Fitzgerald
Tel. (202) 736-8000

Date: June 21, 2006

Re:

Serial No.: 10/552,665

Group Art Unit: unassigned

Confirmation No.: 2598

Examiner: unassigned

Filed: April 9, 2004

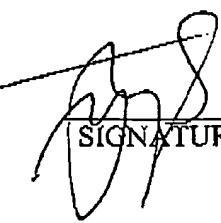
Applicant: Martin G. REESE

Docket No. 22966-81050

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I CERTIFY THAT THE FOLLOWING DOCUMENTS ARE BEING TRANSMITTED TO THE
USPTO AT FAX NUMBER (571) 273-8300 ON THE DATE SHOWN:

- REPLY TO 371 FORMALITIES LETTER REGARDING SEQUENCES


SIGNATUREYvonne T. Reyes
PRINTED NAME21 June 2006
DATE

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JUN 21 2006

Serial no. 10/552,665

Attorney Docket no. 22966-81050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/552,665	Group Art Unit:	Unassigned
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Applicant:	Martin G. REESE et al		
Customer No.	33694		

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO 371 FORMALITIES LETTER REGARDING SEQUENCES

Sir:

This communication letter responds to the formalities letter mailed on 2 June 2006, setting a two-month period for response. As this reply is filed within the period set in the letter, it is timely.

The formalities letter states that the application fails to comply with the requirements of 37 C.F.R. § 1.821 *et seq.* regarding nucleotide and amino acid sequences. However, the application does not contain any sequences within the meaning of those rules.

Figure 8 illustrates mutations at isolated residues in a gene that is represented diagrammatically. No sequences of nucleotides or amino acids are set forth. Figure 9 is a listing of genetic loci (*i.e.*, names of genes). No nucleotide or amino acid sequences *per se* are illustrated. No sequences appear elsewhere in the application.

Because the patent application does not set forth any nucleotide or amino acid sequences, no sequence listing in hard-copy or computer-readable form is required under 37 C.F.R. § 1.821 *et seq.* Applicant notes that the same issue was raised by and resolved before the ISA/US during the international phase of this application.

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Conclusion

Applicant submits that "Notification to Comply ..." was issued in error and accordingly requests that the Office vacate the requirements set forth in the formalities letter.

Respectfully submitted,



David L. Fitzgerald, Reg. No. 47,347
Attorney for Applicant

DATE: 21 June 2006

SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005

tel. (202) 736-8818
fax (202) 736-8711